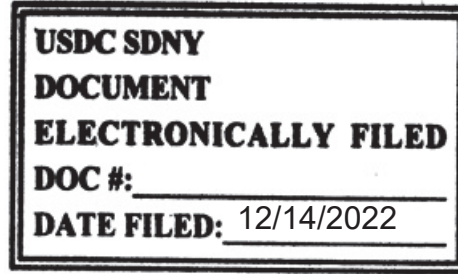




Shapiro Arato Bach LLP

500 Fifth Avenue, 40th Floor New York, NY 10110  
phone: 212-257-4880 | fax: 212-202-6417  
[www.shapiroarato.com](http://www.shapiroarato.com)

Jonathan P. Bach  
[jbach@shapiroarato.com](mailto:jbach@shapiroarato.com)  
Direct: 212-257-4897



December 9, 2022

Via ECF

The Honorable Robert W. Lehrburger  
500 Pearl Street, Room 1960  
United States Courthouse  
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

On behalf of Defendants Darius Dale, Steven Lamar, and 42 Macro LLC, we seek leave to file Defendants' opposition to Hedgeye's motion seeking to compel discovery and the associated declaration and exhibits under seal, and we further move to ensure that Hedgeye's letter motion (Dkt. 399) remains under seal.

There is good cause to seal these materials. They concern communications both parties have previously deemed confidential. We believe the need to maintain these materials under seal will be self-evident, but we would be happy to provide a further explanation to the Court if it so requests. Moreover, Hedgeye should not be permitted to use this motion—which appears to further no legitimate litigation purpose—as a vehicle to put the sensitive information contained therein on the public docket.

We further note that, due to the timing of Hedgeye's motion, Defendants were forced to rely on a rough deposition transcript to support their response (Exhibit C). Because this transcript has not yet been finalized, that provides one more reason why Exhibit C should be filed under seal.

Respectfully submitted,

/s/ Jonathan P. Bach  
Jonathan P. Bach  
Fabien M. Thayamballi  
Alice Buttrick  
SHAPIRO ARATO BACH LLP  
500 Fifth Avenue, 40th Floor  
New York, NY 10110  
Tel: (212) 257-4897  
Fax: (212) 202-6417

The Honorable Robert W. Lehrburger  
December 9, 2022

Page 2

jbach@shapiroarato.com  
fthayamballi@shapiroarato.com  
abuttrick@shapiroarato.com

*Attorneys for Defendants Darius Dale,  
Steven Lamar, and 42 Macro LLC*

Granted.

SO ORDERED:

12/14/2022



---

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE